

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

IN RE: )  
CIRCUIT CITY STORES, INC., ) Case No. 08-35653-KRH  
et al. ) Chapter 11  
Debtor )

**RESPONSE OF LAURA L. SCANNELL TO DEBTORS' NINTH OMNIBUS  
OBJECTION TO CERTAIN (I) LATE CLAIMS AND (II) LATE 503(B)(9) CLAIMS**

COMES NOW, Laura L. Scannell ("Ms. Scannell"), by her undersigned counsel, and hereby files this response (the "Response") to the Debtors' Ninth Omnibus Objection to Certain (I) Late Claims and (II) Late 503(b)(9) Claims (the "Claim Objection") filed herein by the debtors and debtors in possession in the above-captioned case (the "Debtors"), stating to the Court as follows:

1. On November 10, 2008 (the "Petition Date"), the Debtors commenced this case by filing voluntary petitions under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code").
2. Ms. Scannell is an individual residing in Virginia.
3. On or about January 3, 2009, Ms. Scannell tendered a check (the "Check"), made payable to "Circuit City" at Circuit City Store Number 00802 in Springfield, Virginia, in the amount of Two Thousand Twenty-Nine and 73/100 Dollars (\$2,029.73). Ms. Scannell tendered the Check to the Debtor for the purchase of a television, Samsung Model LN 46A650 and related goods. A copy of the Check and store receipt are included in "Exhibit A" attached hereto.

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4. The Debtor did not have the merchandise in stock on January 3, 2009, but store personnel informed Ms. Scannell that her television would be available in one to two weeks, and that store personnel would contact Ms. Scannell when the television arrived. *See* Scannell Declaration, attached hereto as "**Exhibit B**".

5. The Debtor negotiated the Check, and the balance was deducted from Ms. Scannell's bank account on or about January 7, 2009. *See* **Exhibit A**.

6. Despite numerous communications by Ms. Scannell with Circuit City store representatives, the Debtor did not deliver the television or make the merchandise available to Ms. Scannell. As a result, Ms. Scannell paid the purchase price, \$2,029.73, but did not receive the merchandise.

7. On or about March 20, 2009, Ms. Scannell filed a proof of claim (the "Proof of Claim"), asserting a claim for the purchase price tendered using the Check. A copy of Ms. Scannell's Proof of Claim is attached hereto as "**Exhibit A**".

8. On or about June 4, 2009, the Debtor filed the Claim Objection alleging, *inter alia*, that the Proof of Claim filed by Ms. Scannell should be disallowed as untimely filed. More specifically, the Debtor sought to disallow Ms. Scannell's claim because she submitted her proof of claim after the "General Bar Date" of January 30, 2009.

9. Ms. Scannell's claim against the Debtor was incurred after the Petition Date, and accordingly, her Proof of Claim was not required to be filed on or before the General Bar Date.

10. Ms. Scannell expects to file a Request for Allowance and Payment of Administrative Expense against the Debtor. However, in an abundance of caution, Ms. Scannell now files this response in order to prevent the entry of any Order denying her Claim and to preserve any and all rights she may have with respect to her original Proof of Claim.

11. Ms. Scannell preserves the right to amend and supplement this Response to the extent that new information becomes available or to the extent that the Debtors seek to object to her Request for Administrative Expense.

WHEREFORE, Laura L. Scannell respectfully seeks entry of an order by this Court: (i) denying the objection to her claim by the Debtor as set forth in the Ninth Omnibus Claim Objection; and (ii) granting such other and further relief as the Court deems just and proper.

Respectfully submitted,

LAURA L. SCANNELL

By counsel

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By: /s/ Raymond R. Pring, Jr.  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 29<sup>th</sup> day of June, 2009, I caused a copy of the foregoing response to be sent by email and/or first-class mail, postage prepaid to the parties set forth on the attached service list.

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